

Remarks

Reconsideration and allowance of this application are respectfully requested.

Claims 1, 2, and 4-21 remain pending herein, with claims 12-15 withdrawn from consideration as directed to a non-elected invention. Claims 1, 18, and 21 are independent. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Applicant acknowledges with gratitude the allowance of claim 21 and the indication of allowable subject matter in claims 5, 9, and 16. However, for at least the reasons presented below, Applicant submits that all of the claims presently under consideration are allowable.

35 U.S.C. § 103(a) - Rochat and Laffay

Claims 1, 2, 6, 7, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,269,924 to Rochat in view of FR 2,766,797 to Laffay et al. (hereinafter "Laffay"). The examiner acknowledges that "Rochat, however, does not disclose that the bushing is affixed on the side wall of the bag via a first and second aperture in the inner sheet and one of the outer sheets, nor does Rochat specifically disclose that powdered solute is disposed in the chamber, such that the bag is capable of preparing a dialysis solution" (Office Action page 3, numbered paragraph 1).

The rejection of claims 1, 2, 6, 7, and 11 under § 103(a) based on Rochat and Laffay is respectfully traversed. For at least the following reasons, the combined disclosures of Rochat and Laffay would not have rendered obvious Applicant's claimed invention.

By way of review, instant claim 1 reads as follows:

1. A bicompartiment bag adapted to prepare a liquid solution, comprising an assembly of two strong flexible outer sheets and a flexible inner sheet that divides an interior of the bag into a first chamber that is at least partially filled with a powdered solute and a second chamber and that has a screen portion located at a distal end thereof at a bottom portion of the bag, the two outer sheets and the inner sheet being watertightly joined at a periphery thereof, one of the two outer sheets having a first aperture located therein and an access bushing disposed in the first aperture, the inner sheet having a second aperture located therein that is in communication with the bushing and the inner sheet being affixed at a periphery of the second aperture to a plane of a bushing end that projects into the bag, the bushing having a first opening therein that provides communication between a solvent inlet line and the first chamber, and the bushing having a second opening therein that provides communication between the second chamber and a solution discharge line.

The combined disclosures of Rochat and Laffay do not teach all of Applicant's claim features. As explained in Applicant's previous replies, Rochat's double-chambered bag is structurally different from Applicant's claimed bicompartiment bag. Applicant reminds the examiner that the claimed flexible inner sheet feature has a screen portion located at a distal end of the inner sheet at the bottom portion of the bag. This means that the

screen portion does not extend to the proximal end of the inner sheet at the top portion of the bag. In contrast, Rochat simply discloses a filtration internal wall 12 whose flat shape is identical to that of the walls of the bag 10, i.e., the screen portion of Rochat's filtration internal wall covers the whole filtration sheet. This distinction between Rochat's apparatus and Applicant's claimed bicompartiment bag is an important one. That is because with Rochat's structure, the incoming water would be short circuited to the second chamber in the upper portion of the instantly claimed bag. In summary, although the examiner asserts that Rochat teaches that "[t]he inner sheet comprises a screen that extends to the distal end (bottom end) of the bag" (Office Action page 3), Applicant submits that Rochat's construction is substantially different from Applicant's claimed screen portion feature.

Furthermore, regardless of what Laffay may disclose with regard to a "bushing 8," the disclosure of Laffay does not rectify any of the above-described structural deficiencies of Rochat.

Finally, there is simply no teaching in either Rochat or Laffay that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's pending claims. For one, the double-chambered bag of Rochat and the single-chambered bag of Laffay serve different purposes. The main purpose of Rochat's bag is to provide an apparatus with a container and a disposable bag for filtering

blood. Blood enters the first chamber of the double-chambered bag, crosses a filtration sheet in the bag, and is subsequently withdrawn from the second chamber of the bag.

Laffay discloses a package that is "applicable to packaging acid substances for a dialysis" (English-language abstract). There is simply no teaching in either of the references such that a person skilled in the art would try to improve the bag of Laffay by using the double-chambered bag of Rochat in order to avoid using the outlet tubing of Laffay, yet while still employing Laffay's bushing.

Therefore, the combined disclosures of Rochat and Laffay would not have rendered obvious the invention defined by claim 1. Claims 2, 6, 7, and 11 are allowable because they depend from claim 1, and for other reasons.

35 U.S.C. § 103(a)

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rochat in view of Laffay, and further in view of U.S. Patent No. 5,616,305 to Mathieu. Claims 8 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rochat in view of Laffay, and further in view of U.S. Patent Application Pub. No. 2002/0030002 of Verkaart et al. ("Verkaart").

Each of the aforementioned rejections under § 103(a) is also respectfully traversed. Claims 4 and 10, and claims 8 and 17, all depend from claim 1. Claim 1 is allowable for at least the

reasons explained above. The disclosures of Mathieu and Verkaart add nothing that would rectify any of the above-described deficiencies of the asserted Rochat/Laffay combination. More specifically, the disclosures of Mathieu and Verkaart are irrelevant for the reasons articulated in Applicant's replies filed October 26, 2007, and December 7, 2007. Accordingly, claims 4, 8, 10, and 17 are allowable because they depend from claim 1, and for other reasons.

Independent claim 18 is similarly allowable. By way of review, instant claim 18 reads as follows:

18. A bicompartiment bag adapted to prepare a liquid solution, comprising:

a first flexible outer sheet having a first aperture therein, a second flexible outer sheet, and a first flexible inner sheet having a second aperture therein, the first inner sheet dividing an interior of the bag into a first chamber that is at least partially filled with a powdered solute and a second chamber and having a perforated portion located at a distal end thereof at a bottom portion of the bag, the outer sheets and the first inner sheet being watertightly joined at a periphery thereof;

a bushing disposed in the first aperture and attached to the first outer sheet at a periphery of the bushing and attached to the first inner sheet at a portion thereof adjacent the second aperture, the bushing having a first flow channel therein that provides fluid communication between a solvent inlet line and the first chamber, and the bushing having a second flow channel therein that provides fluid communication between the second chamber and a solution discharge line; and

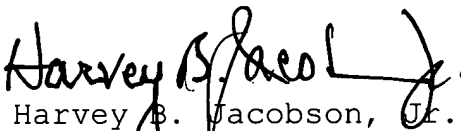
a cover inserted in the bushing to provide an airtight bag connection, the cover having an initially sealed valve therein that is openable so as to provide the fluid communication through the first flow channel.

Claim 18 is allowable for at least reasons similar to those explained above with respect to claim 1. Verkaart's disclosure of a "tube sealing means" adds nothing that would rectify any of the above-described deficiencies of the asserted Rochat/Laffay combination. Claims 19 and 20 are allowable because they depend from claim 18, and for other reasons.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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